

GOVERNMENT OF TELANGANA

ABSTRACT

Agriculture & Co-operation Department –Cancellation of assignment of notional date of seniority – Fixation of seniority from the date of the issuance of the appointment orders and recovery of excess amount drawn by Sri P. Sudhakar Rao, (Retired) A.O. and (2) Sri Hassan Mohinuddin A.O. (Retired) - Orders – Issued.

AGRICULTURE & CO-OPERATION.(AGRI.I) DEPTT.

G.O.Rt.No. 150

Dated:15-10-2014.

Read the following:

1. G.O.Rt.No.04 Agrl. & Co-op.(FP.I) Deptt., dated 03-01-2012.
2. From the Commr. & Director of Agrl. TS, Hyderabad Letter No.A.II(3)437/2004, dt.25.07.2014.alongwith Hon'ble Supreme Court of India Judgment dated 21.11.2013 in Civil Appeal No.9490/2013 (Ref: High Court W.P.No.13538/2004).

ORDER:-

Government in the G.O. 1st read above, have permitted the Commissioner & Director of Agriculture, Hyderabad to implement the orders of Hon'ble High Court in W.P.No.13538 of 2004 dated 5-3-2009 duly assigning notional date of appointment with effect from 5-4-1983 on par with Sri N. Arun Kumar, who was appointed as Agricultural Officer in the Department in 1983, in relaxation of provisions contained in rule 33(a) of A.P. State & Subordinate Service Rules, 1996 and accord monetary benefits as per Note (1) under FR.26(aa), **subject to out come of the Hon'ble Supreme Court's orders in the matter.**

The Commr. & Director of Agriculture, Telangana State in the letter 2nd read above has stated that Government orders were implemented for the 1st two applicants i.e. Sri. Hassan Mohinuddin & P.Sudhakar Rao vide C&DA Proceedings No. A 7 (1) 437/2004, dated: 18.08.2012 pending disposal of the Hon'ble Supreme Court orders. Further, the proposals of the other six members were submitted to the Government to pass appropriate orders in the matter as was done in cases of Sri. Hassan Mohinuddin & P. Sudhakar Rao. Mean while, Sri. A. Linga Reddy and others also filed contempt application in the APAT which was challenged by the C&DA, in the Hon'ble High Court recently, and the HC of AP stayed the orders of APAT, Hyderabad. **Now, the Hon'ble Supreme court of India has disposed off the Civil Appeal No.9490 of 2013 (SLP No. (C) no. 30636/2009) filed by the Commissioner & Director of Agriculture & Government of Andhra Pradesh (Appellants) versus P.Sudhakar Rao & another (Respondent) against the order in W.P. No. 13538/2004, dated:05.03.2009 duly allowing the appeal and set-aside the judgment and order passed by the Hon'ble High Court, directing that the seniority of the respondents shall be fixed from the date of the issuance of the appointment letter i.e., the notional appointment from 1982 as claimed by the applicants was not considered by the Hon'ble Supreme Court.**

He has also stated that the implication of the above mentioned orders of the Hon'ble Supreme Court is that the individuals are not eligible for notional appointment as Agricultural officers from 1982 as claimed by them. Since the Hon'ble Supreme Court of India has set aside the orders of the Hon'ble High Court and requested the Govt. to kindly issue orders canceling the orders issued in G.O.Rt.No.4, A&C Deptt., dt.03.01.2012 and also for the recovery of amount drawn by the two individuals, if any so as to take further action in the matter.

Government after careful examination of the above proposal keeping with the judgment pronounced by the Supreme Court of India in Civil Appeal No.9490 of 2013 @ SLP © No. 30636 of 2009 have decided to cancel the orders issued in the G.O. 1st

-PTO-

read above and to fix the seniority of the respondents i.e. (i) Sri P. Sudhakar Rao, (Retired) A.O. and (2) Sri Hassan Mohinuddin (Retired) from the date of issuance of the appointment letter / orders as ordered by the Apex Court and consequence, they may also recover the excess amount paid to them.

Accordingly, Govt. hereby cancel the orders issued in the G.O. 1st read above and to fix the seniority of the respondents i.e. (i) Sri P. Sudhakar Rao, (Retired) A.O. and (2) Sri Hassan Mohinuddin (Retired) from the date of issuance of the appointment letter / orders as ordered by the Apex Court. Consequence, the C&DA, TS recover the excess amount paid to them, since the notional appointment cannot be considered as ordered by the Apex Court.

The Commissioner& Director of Agriculture, Telangana State, Hyderabad shall take further necessary action in the matter and report compliance.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**POONAM MALAKONDAIAH
APC & PRL. SECRETARY TO GOVERNMENT**

To
The C&DA,TS, Hyderabad.
Copy to: The Accountant General, Telangana State, Hyd.
Copy to: The P.S. to Prl. Secy. to Govt. A&C Deptt., TS, Hyd
SF/SCs

// FORWARDED BY ORDER //

SECTION OFFICER